

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09cr117**

JAMES YARBOROUGH,)	
)	
Petitioner,)	
)	
Vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

THIS MATTER is before the court on petitioner's September 29, 2011, letter (#17), in which he takes issue with the manner in which the Bureau of Prisons has calculated his jail credit. Petitioner appears to be housed in FCI Butner, which is located in the Middle District of North Carolina.

As to determining proper credit for time served in jail, the Supreme Court has held that only the Attorney General, through the Bureau of Prisons, may compute jail credit. See United States v. Stubbs, No. 97-4948, 1998 WL 387253, at *1 (4th Cir. June 24, 1998) (*per curiam*) (citing United States v. Wilson, 503 U.S. 329 (1992)).

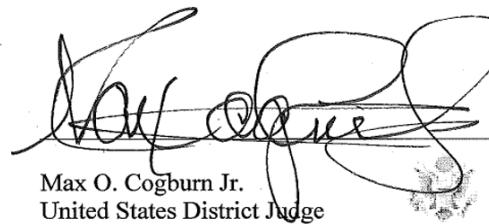
Further, inasmuch as petitioner is not housed in this district and is calling into question the duration of his incarceration, petitioner is advised that the Western District of North Carolina is not the proper forum for that concern. Petitioner should direct any concerns he may have to the United States Court for the Middle District of North Carolina as a motion brought under 28, United States Code, Section 2241, must be brought in the district in which petitioner is incarcerated. See Delfino v. Berkebile,

2011 WL 1088013 (S.D.W.Va. Mar.23, 2011).

ORDER

IT IS, THEREFORE, ORDERED that the relief sought in petitioner's September 29, 2011, letter (#17) is **DENIED** for the reasons discussed above.

Signed: October 6, 2011



Max O. Cogburn Jr.
United States District Judge